

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of HARRIET CARTER and U.S. POSTAL SERVICE,
POST OFFICE, Tampa, Fla.

*Docket No. 96-2312; Submitted on the Record;
Issued June 5, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
BRADLEY T. KNOTT

The issue is whether appellant has met her burden of proof in establishing that her left foot and ankle condition are causally related to factors of her employment.

On October 21, 1995 appellant, then a 39-year-old flat sorting machine operator, filed a claim for her left foot. She stated that constant standing for eight hours caused her left foot to swell with constant throbbing in the ankle.¹ Appellant indicated that the condition arose after she returned to work in July 1995.

In a May 17, 1996 decision, the Office denied appellant's claim for compensation on the grounds that fact of injury was not established.

The Board finds that appellant has not met her burden of proof in establishing that her left ankle and foot condition was causally related to factors of her employment.

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed;² (2) a factual statement identifying the employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition;³ and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the

¹ Appellant had previously claimed that her left foot condition was a recurrence arising from a prior injury. However, in an October 23, 1995 letter the Office of Workers' Compensation Programs informed appellant that since she claimed that her condition was caused by prolonged standing, it could not be considered a recurrence of a prior injury. The Office denied a recurrence as a spontaneous return of a condition without any work factors or incidents being involved. The Office stated that appellant's left foot condition did not arise spontaneously but was the result of additional work activities.

² See Ronald K. White, 37 ECAB 176, 178 (1985).

³ See Walter D. Morehead, 31 ECAB 188, 194 (1979).

diagnosed condition is causally related to the employment factors identified by the claimant.⁴ The medical evidence required to establish causal relationship, generally, is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant,⁵ must be one of reasonable medical certainty,⁶ and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.⁷

Appellant submitted factual evidence to relate her left ankle and foot condition to prolonged standing at work. However, the only medical evidence of record was a November 16, 1995 duty status report from a physician with an illegible signature who diagnosed a fracture and sprain of the left ankle arising from an October 29, 1992 employment injury. Appellant has not submitted any medical evidence that would relate her left ankle condition after her return to work in July 1995 to factors of her employment after her return to work. Appellant therefore has not met her burden of proof.

The decision of the Office of Workers' Compensation Programs, dated May 17, 1996, is hereby affirmed.

Dated, Washington, D.C.
June 5, 1998

Michael J. Walsh
Chairman

George E. Rivers
Member

Bradley T. Knott
Alternate Member

⁴ See generally *Lloyd C. Wiggs*, 32 ECAB 1023, 1029 (1981).

⁵ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁶ See *Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁷ See *William E. Enright*, 31 ECAB 426, 430 (1980).